

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

GALBRAITH et al.

Serial No. 10/053,499

Filed: January 18, 2002

Group No.: 3728

Examiner: Marie D. Patterson

Atty. Docket No. 02-093-US

FOOTWEAR INSOLES

## NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals from the decision of the Primary Examiner, mailed January 14, 2005, finally rejecting Claims 1-7 and 12-36.

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being a	attached or enclosed) is being		
MAILED  ☑ deposited with the United States Postal Service on July 14, 2005 with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	FACSIMILE  ☐ transmitted by facsimile on [date] to the U.S. Patent at Trademark Office.		
Lori B. Amoroso	Type Signature Name		
(Signature of person mailing paper or fee)	(Signature of person mailing paper or fee)		

07/19/2005 BABRAHA1 00000034 180582 10053499

01 FC:2401 02 FC:2253 250.00 DA 510.00 DA 1. Status of Applicant

This application is on behalf of:

- - $\square$  is attached.
  - was already filed on September 12, 2002.
- other than a small entity.
- 2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. 1.17(e), the fee for filing the Notice of Appeal is::

other than a small entity \$500.00

Notice of Appeal fee due  $$\frac{250.00}{}$ 

3. Extension of Term

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d) (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in rexamination proceedings.)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(a)(5)) for the total number of months checked below:

	LARGE	ENTITY	SMA	LL ENTITY
one month	\$	120	\$	60
two months	\$	450	\$	225
★ three months	\$1,	020	\$	510
four months	\$1,	,590	\$	795
five months	\$2,	,160	\$1,	080
Fee:	\$ <u>ar</u>	nount	\$	510

If an additional extension of time is required, please consider this a petition therefor. An extension for [No.] months has already been secured. The fee paid therefor of \$[Amount] is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$[Amount] orApplicant believes that no extension of term is (b) required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time. 4. Total Fee Due The total fee due is: Notice of Appeal fee \$250.00 Extension fee (if any) \$510.00 TOTAL FEE DUE \$760.00 5. FEE PAYMENT Applicant encloses herewith a check in the amount of \$165.00 for the fee for the Notice of Appeal and a check in the amount of \$475.00 for the 3 month extension of time for a total sum of \$0.00. The Director is authorized to charge the \$760.00 to Deposit Account No. 18-0582. A duplicate copy of this petition

is attached.

## FEE DEFICIENCY 6.

The Director is authorized to charge the \$[amount] to Deposit Account No. 18-0582 if any additional extension and/or fee is required. A duplicate copy of this petition is attached.

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this petition is attached.

Respectfully submitted,

Dated: July 14, 2005

Samway *R*∲g. No. 36,664

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Agent for Applicants